

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN - SOUTHERN DIVISION**

DENHOLLANDER, et al.)	
	)	Lead Case No. 1:17-cv-00029-GJQ-ESC
Plaintiffs,	)	and Consolidated Cases:
	)	1:17-cv-00222-GJQ-ESC
v.	)	1:17-cv-00244-GJQ-ESC
	)	1:17-cv-00254-GJQ-ESC
MICHIGAN STATE UNIVERSITY,	)	1:17-cv-00257-GJQ-ESC
et al.,	)	1:17-cv-00288-GJQ-ESC
	)	1:17-cv-00349-GJQ-ESC
Defendants.	)	1:17-cv-00676-GJQ-ESC
	)	1:17-cv-00684-GJQ-ESC
	)	1:18-cv-00173-GJQ-ESC
	)	1:18-cv-00174-GJQ-ESC
	)	1:18-cv-00188-GJQ-ESC
	)	1:18-cv-00377-GJQ-ESC
	)	1:18-cv-00397-GJQ-ESC
	)	1:18-cv-00433-GJQ-ESC
	)	1:18-cv-00494-GJQ-ESC
)	
)	
)	
		Hon. Gordon J. Quist

EXPEDITED CONSIDERATION REQUESTED

**PLAINTIFFS' MOTION TO DISMISS CLAIMS WITHOUT PREJUDICE AGAINST
DEFENDANTS USA GYMNASTICS, INC., TWISTARS USA, INC.,
AND JOHN GEDDERT AND IMMEDIATELY RE-FILE CLAIMS**

Plaintiffs in the above-listed lead and member cases in this consolidated action, through their respective undersigned attorneys, move this Court pursuant to Fed. R. Civ. P. 41(a)(2) for an order to voluntarily dismiss **without prejudice** certain causes of action against Defendants USA Gymnastics, Inc., ("USAG") Twistars USA, Inc., ("Twistars") and John Geddert ("Geddert") in light of the enactment of Michigan 2018 PA 183, MCL §600.5851b(3), which was signed into law by Michigan Lieutenant Governor Brian Calley on June 12, 2018. MCL §600.5851b(3) has the

effect of *inter alia* retroactively extending the statute of limitations for claims involving sexual abuse of a minor by a physician under the guise of medical treatment. MCL §600.5851b(3) provides a 90-day window to commence actions for claimants to avail themselves of the retroactivity afforded by act. The 90-day window of retroactivity afforded by MCL 600.5851b(3) expires on September 10, 2018, which necessitates Court's expedited consideration of the instant motion. **Therefore, Plaintiffs respectfully request that the Court consider and decide the instant motion prior to September 10, 2018.**

Since Plaintiffs in the above listed member cases commenced their actions prior to the enactment of MCL §600.5851b(3), the Gymnast Plaintiffs¹ seek to dismiss all claims against USAG, Twistars, and Geddert **without prejudice** and immediately refile a separate action against these Defendants for the purpose of availing themselves of the retroactivity afforded by MCL §600.5851b(3). Plaintiffs attempted to accomplish this administrative, logistical, and procedural step by way of stipulation on numerous occasions over the course of several months with Defendants USA Gymnastics, Inc., Twistars USA, Inc., and John Geddert to avoid the completely unnecessary incurrence of cost, time, expense, and waste of judicial resources, but Defendants categorically refused. As a result, Plaintiffs have been left with no other recourse but to file the instant motion with the intention of immediately refiling the exact same claims against these Defendants. This Motion is supported by the accompanying brief in support.

Respectfully Submitted,

¹ The Gymnast Plaintiffs are specifically defined in Footnote 2 of the accompanying Brief in Support.

Dated: August 31, 2018

/s/ Mick S. Grewal

Mick S. Grewal (P48082)
David S. Mittleman (P37490)
John W. Fraser (P79908)
Church Wyble PC, a division of
Grewal Law, PLLC
Attorneys for Plaintiffs in Member Cases:
1:17-cv-00222-GJQ-ESC
1:17-cv-00288-GJQ-ESC
1:17-cv-00349-GJQ-ESC
2290 Science Parkway
Okemos, Michigan 48864
Ph.: (517) 372-1011
Fax: (517) 372-1031
E: mgrewal@4grewal.com
E: dmittleman@churchwyble.com
E: jfraser@4grewal.com

Dated: August 31, 2018

By: /s/ Stephen R. Drew (with permission)

Stephen R. Drew (P24323)
Adam C. Sturdivant (P72285)
DREW, COOPER & ANDING
Attorneys for Plaintiffs in
Lead Case No. 1:17-cv-00029-GJQ-ESC
80 Ottawa Avenue NW, Suite 200
Grand Rapids, Michigan 49503
Phone: (616) 454-8300
E-mail: sdrew@dca-lawyers.com
E-mail: asturdivant@dca-lawyers.com

Dated: August 31, 2018

By: /s/ John C. Manly (with permission)

John C. Manly (CA 149080)
Vince W. Finaldi (CA 238279)
Alex E. Cunny (CA 291567)
MANLY, STEWART & FINALDI
Attorneys for Plaintiffs in
Lead Case No. 1:17-cv-00029-GJQ-ESC
19100 Von Karman Avenue, Suite 800
Irvine, California 92612
Phone: (949) 252-9990
E-mail: jmanly@manlystewart.com
E-mail: vfinaldi@manlystewart.com
E-mail: acunny@manlystewart.com

Dated: August 31, 2018

/s/ H. James White

H. James White (P56946)
White Law PLLC
Attorneys for Plaintiffs in Member Cases:
1:17-cv-00257-GJQ-ESC
1:18-cv-00433-GJQ-ESC
2549 Jolly Road, Ste. 340
Okemos, Michigan 48864
Ph.: (517) 316-1195
Fax: (517) 316-1197
E: jameswhite@whitelawpllc.com

Dated: August 31, 2018

/s/ Andrew P. Abood

Andrew P. Abood (P43366)
Abood Law Firm
Attorneys for Plaintiffs in Member Case:
1:17-cv-00244-GJQ-ESC
246 E. Saginaw Street, Ste. 100
East Lansing, MI 48823
Ph.: (517) 332-5900
E: andrew@aboodlaw.com

Dated: August 31, 2018

/s/ James F. Graves

James F. Graves (P14288)
Sinus Dramis Brake Boughton &
McIntyre PC
Attorneys for Plaintiffs in Member Case:
1:17-cv-00254-GJQ-ESC
3380 Pinetree Road
Lansing, MI 48911
Ph.: (517) 394-7500
E: jimgraves@sinasdramis.com

Dated: August 31, 2018

/s/ Thomas W. Waun

Thomas W. Waun (P34224)
Johnson Law, PLC
Attorneys for Plaintiffs in Member Case:
1:17-cv-00676-GJQ-ESC
10683 S. Saginaw Street, Ste. D
Grand Blanc, MI 48439
Ph.: (810) 695-6100
E: twaun@venjohnsonlaw.com

Dated: August 31, 2018

/s/ Steven C. Hurbis

Steven C. Hurbis (P80993)
McKeen & Associates PC
Attorneys for Plaintiffs in Member Case:
1:17-cv-00684-GJQ-ESC
645 Griswold Street, Ste. 4200
Detroit, MI 48226
Ph.: (313) 961-4400
E: shurbis@mckeenassociates.com

Dated: August 31, 2018

/s/ Muhammad Aziz

Muhammad Aziz
Abraham, Watkins, Nichols, Sorrels,
Agosto, & Aziz
Attorneys for Plaintiffs in Member Case:
1:18-cv-00433-GJQ-ESC
800 Commerce
Houston, TX 77002
Ph.: (712) 222-7211

Dated: August 31, 2018

/s/ Michelle Simpson Tuegel

Michelle Simpson Tuegel
Hunt & Tuegel PLLC
Attorneys for Plaintiffs in Member Case:
1:18-cv-00433-GJQ-ESC
425 Austin Avenue
ALICO Building, Ste. 1208
P.O. Box 726
Waco, TX 76703
Ph.: (254) 753-3738

Dated: August 31, 2018

/s/ Louis G. Corey

Louis G. Corey (P34377)
The Corey Law Firm
Attorneys for Plaintiffs in Member Cases:
1:18-cv-00173-GJQ-ESC
1:18-cv-00174-GJQ-ESC
1:18-cv-00188-GJQ-ESC
1:18-cv-00377-GJQ-ESC
1:18-cv-00494-GJQ-ESC
401 N. Main Street
Royal Oak, MI 48067
Ph.: (248) 549-9700
E: lou@coreylawfirm.com

Dated: August 31, 2018

/s/ Lisa Michelle Esser

Lisa Michelle Esser (P70628)

Sommers Schwartz PC

Attorneys for Plaintiffs in Member Case:

1:17-cv-00254-GJQ-ESC

1 Towne Square, Ste. 1700

Southfield, MI 48076

Ph.: (248) 355-0300

E: lesser@sommerspc.com